



IT IS ORDERED as set forth below:

Date: October 25, 2012

Margaret H. Murphy
U.S. Bankruptcy Court Judge

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

IN RE: : CHAPTER 13
: :
ANTOINE F. GROSS, : CASE NO. 12-69718-MHM
: :
DEBTOR. : :

**ORDER DISMISSING CHAPTER 13 CASE
PURSUANT TO 11 U.S.C. SECTION 109(g)**

Hearing on confirmation of the Debtor's Chapter 13 Plan came before the Court October 11, 2012 upon proper notice.

In his written Objection to Confirmation filed September 18, 2012 the Chapter 13 Trustee ("Trustee") moved to dismiss the instant case pursuant to 11 U.S.C. Section 109(g). In his objection to confirmation, and in support of his request to dismiss pursuant to 11 U.S.C. Section 109(g), Trustee showed the Court the following:

Debtor has filed six (6) previously unsuccessful Chapter 13 cases: Case No. 09-65136-MHM filed February 27, 2009 and dismissed prior to confirmation May 15, 2009;

Case No. 09-85911-MHM filed October 2, 2009 and dismissed prior to confirmation December 21, 2009; Case No. 09-94334-MHM filed December 31, 2009 and dismissed prior to confirmation May 19, 2010; Case No. 11-66501-MHM filed June 6, 2011 and dismissed prior to confirmation September 12, 2011 and Case No. 12-61116-MHM filed April 30, 2012 and dismissed prior to confirmation May 18, 2012. In prior Case No. 09-65136-MHM, Debtor failed to appear at the Meeting of Creditors and failed to make any Plan payments. In prior Case No. 09-85911-MHM, Debtor failed to make any Plan payments. In prior Case No. 09-94334-MHM, Debtor failed to maintain Plan payments, and the case was dismissed pursuant to Section 109(g). In prior Case No. 11-51843-MHM, Debtor failed to make any Plan payments, and the case was dismissed for failure to pay the filing fee. In prior Case No. 11-66501-MHM, Debtor failed to appear at the Meeting of Creditors and failed to make any Plan payments. The case was dismissed pursuant to Section 109(g) on September 12, 2011. In prior Case No. 12-61116-MHM, the case was dismissed for failure to pay the filing fee. In the instant case, Debtor failed to file a Plan or Schedules, failed to appear at the Meeting of Creditors, and failed to make any Plan payments.

Debtor has failed to file a confirmable plan in the instant Chapter 13 case. Such failure represents an unreasonable and prejudicial delay in protecting the rights and interests of the estate and Debtor's creditors; accordingly, it is hereby

ORDERED that confirmation of the Debtor's Chapter 13 Plan is DENIED for Debtor's failure to comply with the applicable provisions of 11 U.S.C. Section 1325(a)(1). It is further

ORDERED that Trustee's request to dismiss this case pursuant to 11 U.S.C.

Sections 105(a) and 109(g) is GRANTED: Debtor is hereby ineligible to file for relief under Title 11 of the United States Bankruptcy Code for one (1) year from the date of entry of this Order.

The Clerk of Court is directed to serve notice of this Order on all creditors, parties in interest, Debtor and Debtor's attorney.

[END OF DOCUMENT]

Presented by:

/S/
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